



ILLINOIS DEPARTMENT OF PUBLIC HEALTH

A Healthier Today For A Better Tomorrow

John R. Lumpkin, M.D., Director

July 24, 1992

Barry L. Johnson, Ph.D.
Assistant Surgeon General
Assistant Administrator
Agency for Toxic Substances and Disease Registry
1600 Clifton Road, N.E.
Atlanta, GA 30333

Dear Dr. Johnson:

Thank you for your letter of July 17, 1992. I am, of course, concerned by the issues you raised. I wish to assure you on the behalf of this Department that it is our intention to comply fully with all applicable federal and state laws and ATSDR policies insofar as we are aware of them. At the same time, having discussed this issue with my staff and reviewed the correspondence regarding the award, I must conclude that the fault for this unfortunate situation can be shared between our two agencies. It appears to me that misunderstanding and lack of communication is largely at the root of this problem.

In the first instance, the March 30, 1992 public meeting, IDPH staff contacted their ATSDR counterparts one month prior to the meeting to discuss the idea for this meeting. The rationale for this meeting was mainly to remind individuals of the lead hazards in their children's environment, steps that they could or should take to reduce exposure, and that children who had not been tested during the study ought to be tested given the prevalence of lead poisoning in the community. The information presented was confined to summary statistics and was presented as preliminary, although such data are unlikely to change, whatever the outcome of a peer review. I am sure you share with me the conviction that the health of children not be sacrificed when we possess the knowledge and the will to intervene. I would point out, however, that had ATSDR objected or forbid the meeting, it would not have proceeded and we would have tried to accomplish our goals through other means. Any prohibition or condition that ATSDR wished to impose would have been respected insofar that the safety of Illinois citizens was not compromised. However, from that day to only very recently we heard no objections to this meeting.

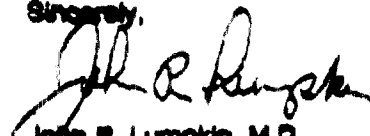
As to the second instance to which your letter refers, IDPH was requested to send a representative to the Congressional Hearing to discuss the on-going study in relation to the planned USEPA clean-up. Due to schedule conflicts and budgetary constraints, we were unable to comply on such short notice. Dr. Kimbrough was in Washington, had complete knowledge of the situation, has impeccable credentials, and a well-deserved reputation for her medical and scientific insight. She agreed to attend in place of an IDPH representative, her testimony was reviewed by IDPH staff and a copy supplied to ATSDR in advance of the hearing. Changes requested by ATSDR were incorporated in the delivered testimony. Once again, only summary statistics were presented and all data were clearly qualified as being preliminary. It is our practice to fully respond to requests of legislators, whether federal or state, and I feel that we complied as expected.

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In both of these instances, I believe this Department has attempted to involve ATSDR as a partner in keeping with the spirit of a cooperative agreement. The issue of ATSDR's policy regarding peer-review was first raised at a St. Louis meeting in early June just prior to the aforementioned Congressional Hearing. The implication that discussions regarding this issue took place on more than one occasion is inaccurate. The concern over the March 30, 1992 public meeting was only raised during a telephone conversation between our respective staffs prior to the pending hearing. Your letter is the first indication we have had as to a violation of the CERCLA law.

As you are aware, we undertook this study at the behest of ATSDR and have attempted to carry it out to the best of our abilities in spite of numerous roadblocks placed in our path. As stated, it is our intention to fully comply with all applicable laws and policies in this regard, keeping in mind our responsibilities to our citizens. I believe, however, it is incumbent on ATSDR to provide such policies or requirements to us in writing in advance of the start of joint projects. In keeping with this ideal, I have instructed my staff to communicate with their ATSDR counterparts well in advance on any issue which might conceivably cause a problem and seek their consent and approval. I would request on your part and that of your staff that you feel free to speak plainly to us regarding your needs or requirements, that ATSDR policies under which you wish us to operate be provided to us in a timely fashion, and that all important or applicable restrictions or requirements to which a cooperative agreement is subject be included in the award letter or addenda to that letter. Hopefully, such steps can avoid similar misunderstandings in Illinois or other states.

Sincerely,


John R. Lumpkin, M.D.
Director of Public Health